

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE WORLD TRADE CENTER DISASTER	:	21 MC 100 (AKH)
SITE LITIGATION	:	(All Cases)
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IN RE COMBINED WORLD TRADE CENTER	:	21 MC 103 (AKH)
AND LOWER MANHATTAN DISASTER SITE	:	(All Cases)
LITIGATION (straddler plaintiffs)	:	
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**DECLARATION IN SUPPORT OF MOTION TO DISMISS
CLAIMS AGAINST THE PORT AUTHORITY OF NEW
YORK AND NEW JERSEY**

CHRISTOPHER R. LOPALO, an attorney duly licensed to practice before the Courts of the State of New York and a Member of the Bar of this Honorable Court hereby declares under penalty of perjury:

1. I am associated with the law firm Worby Groner Edelman & Napoli Bern, LLP (“WGENB”), Plaintiffs’ Co-Liaison Counsel in these matters and respectfully submit this Declaration In Support Of The Motion For Dismissals Against Defendant The Port Authority Of New York And New Jersey (“Port Authority”).
2. On October 14, 2010, this Court approved the Plaintiffs’ settlement with the Port Authority. *See* Order Regulating Proceedings dated October 14, 2010, attached to these papers as Exhibit “1”.
3. Pursuant to this Court’s Order of January 3, 2011, Plaintiffs were given leave to seek voluntary dismissals by motion, if fewer than all Defendants are to be dismissed. *See* Order dated January 3, 2011 attached to these papers as Exhibit “2”.
4. Pursuant to the Port Authority settlement, Plaintiffs who participate in the settlement shall dismiss with prejudice and without exception, all of their debris-handling claims against the

Port Authority. Attached to these papers as Exhibit “3” is a Stipulation of Dismissal with Prejudice of certain Plaintiffs’ claims against the Port Authority. These Plaintiffs have elected to “opt in” to the settlement with the Port Authority.

5. The Primary Plaintiffs listed on the Stipulation of Dismissal with Prejudice attached to these papers as Exhibit “4” have signed releases opting-in to the Port Authority settlement but the corresponding Derivative Plaintiffs who have claims that derive and depend upon the claims their settling spouse (the Primary Plaintiff), have not, although they have been given the opportunity to do so.

6. Despite our diligent efforts to contact these Derivative Plaintiffs, they have not been responsive. We respectfully request that Court dismiss the Derivative Claims of all of the Derivative Plaintiffs who are listed on Exhibit “4” so that all of their corresponding Primary Plaintiffs who have opted-in to the settlement with the Port Authority can be paid.

7. Accordingly, the moving Plaintiffs respectfully request this Court to “So Order” the Stipulations of Dismissal with Prejudice that are attached hereto as Exhibit “3” and Exhibit “4”.

8. The Port Authority does not oppose this request.

Dated: New York, New York
October 4, 2011

/s/ Christopher R. LoPalo
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